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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,226	01/30/2004	Philip Frank Souter	CM2597	9632

27752 7590 08/28/2006

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EXAMINER

ANTHONY, JOSEPH DAVID

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/769,226	<b>Applicant(s)</b> SOUTER ET AL.	
	<b>Examiner</b> Joseph D. Anthony	<b>Art Unit</b> 1714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-22 and 29-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-22 and 29-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **FINAL REJECTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 4-6, 8-11, and 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 4-6, 8-11 and 17-18 all lack proper antecedent basis in independent claim 1, for many of the claimed components and their concentration amounts since said many components are not claimed in independent claim 1. As an example, the coagulant aid of claim 4 lacks antecedent basis in independent claim 1.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-22 and 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 066 421 in view of Williamson Jr. U.S. Patent Number 3,325,014.

EP teaches compositions for the purification of water for human use. The taught purification compositions may comprise primary coagulants (see page 5, lines 8-12), microbiocidal chlorine-based disinfectants (see page 10, lines 1-14), a primary hydrophilic colloid and a secondary colloid (these two components are deemed to read on applicant's claimed a coagulant aid and bridging flocculant) see page 2, line 29 to page 5, line 1, page 5, lines 26-37, page 6, line 23 to page 7, line 25, especially not page 7, lines 19-24, water-soluble alkali and water-insoluble silicate (see page 6, lines 1-11) and components that can be said to be food additives or nutrient sources, also see the examples of EP wherein just about all of said above components are actually added together to make water purifying compositions. Please note that Example 1 on page 15, teaches a water treating tablet that comprises, in part, by mass: 3 parts granular aluminium sulfate (which reads on applicant's claimed primary coagulant) and 0.03 parts powder Magnafloct LT 20 (which reads on applicant's claimed bridging flocculant). The calculated mass ratio of aluminium sulfate to Magnafloct LT 20 in Example 1 is thus 3:0.03 which is the same as 300:3 or **100:1**, which falls directly within applicant's claimed weight ratio of primary coagulant to bridging flocculant of *"from about 10:1 to about 200:1"* as set forth in independent claim 1. It must be noted that the said mass ratio of aluminium sulfate to Magnafloct LT 20 in Example 1 is given by way of illustration and not by way of limitation since it is only a preferred mass ratio and other mass ratios outside of this specific mass ratio are well within the broad disclosure of the EP reference. It is further pointed out that EP's Example 1, the components Bentonite (powder), sodium bicarbonate (powder), Grade 7HOF or 7H3SF sodium

carboxymethyl cellulose powder, and polyethylene glycol 600 (powder) would all individually function as moisture sinks as required in applicant's independent claim 22. The tablet taught by EP's Example 1 is thus deemed to inherently have a free-moisture content of less than about 4% by weight due to the presence of all said dry components used to make the tablet. Finally, applicant's claimed  $t_{\max}$  limitation as set forth in independent claim 21, is deemed to be either inherently met by the Tablets of EP's Examples 1 or 2, or is deemed to fall within the broad disclosure of the EP reference which is directly concerned with the rate of tablet dissolution when the tablets are added to water.

The EP reference thus differs from applicant's claimed invention only in that there is no direct disclosure to the further addition of applicant's required oxidant system providing catalytic or autocatalytic oxidation of soluble Mn(II) to MnO<sub>2</sub>.

Williamson Jr. clearly teaches that it is well known in the art of purifying water to use combinations of chlorine based disinfectant with potassium permanganate in a process of disinfecting and removal of manganese by oxidation, see column 1, lines 7-42, column 3, lines 10-22, and column 5, lines 9-56. Williamson, Jr. directly discloses that his invention is useful for purifying both soft and hard natural well water.

It would thus have been obvious to one having ordinary skill in the art to use the direct disclosure of Williamson Jr. as strong motivation to actually incorporate potassium permanganate into the disinfecting compositions taught by EP as a means for superior removal of unwanted manganese by oxidation which is highly desirable for water that is to be used for human use, such as drinking, washing etc..

***Response to Arguments***

5. Applicant's arguments filed 06/14/06 with the amendment have been fully considered *and directly addressed*, but are deemed not to be persuasive to put the application in condition for allowance for the reasons clearly set forth above.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Examiner Information***

Art Unit: 1714

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.

A handwritten signature in black ink, appearing to read "Joseph D. Anthony", with a long horizontal flourish extending to the right.

**Joseph D. Anthony**  
**Primary Patent Examiner**  
**Art Unit 1714**

8/19/06